

June 12, 2002



Financial Management

Military Traffic Management
Command Handling of Container
Detention Charges
(D-2002-104)

**Office of the Inspector General
of the
Department of Defense**

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UNITED STATES OF AMERICA

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Acronyms

MTMC	Military Traffic Management Command
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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

June 12, 2002

**MEMORANDUM FOR COMMANDER, MILITARY TRAFFIC MANAGEMENT
COMMAND**

**SUBJECT: Audit Report on Military Traffic Management Command Handling of
Container Detention Charges (Report No. D-2002-104)**

We are providing this report for information and use. We considered management comments on a draft of this report when preparing the final report.

Comments on the draft of this report conformed to the requirements of DoD Directive 7650.3 and left no unresolved issues. Therefore, no additional comments are required.

We appreciate the courtesies extended to the audit staff. Questions on the audit should be directed to Mr. Dennis E. Payne at (703) 604-8907 (DSN 664-8907) (dpayne@dodig.osd.mil) or Mr. Albert L. Putnam at (703) 604-8779 (DSN 664-8779) (aputnam@dodig.osd.mil). See Appendix B for the report distribution. The audit team members are listed inside the back cover.

A handwritten signature in black ink, reading "Thomas F. Gimble", is positioned above the printed name.

Thomas F. Gimble
Acting
Deputy Assistant Inspector General
for Auditing

Office of the Inspector General of the Department of Defense

Report No. D2002-104

(Project No. D2001LH-0059)

June 12, 2002

Military Traffic Management Command Handling of Container Detention Charges

Executive Summary

Who Should Read This Report and Why? This report should be read by logistics officials responsible for delivery and receipt of DoD cargo. The report discusses the offsetting of detention charges incurred for transportation of DoD cargo by commercial motor carriers.

Background. This report discusses the Military Traffic Management Command (MTMC) Operations Directorate handling of detention charges that motor carriers incurred. MTMC uses DoD-owned intermodal containers, as well as those that the commercial transportation industry furnishes, to deliver equipment and supplies to America's warfighters. The MTMC Operations Directorate, located at Fort Eustis, Virginia, is responsible for synchronizing surface cargo that moves through the Defense Transportation System and for providing traffic management and strategic port management to a variety of DoD customers.

Results. The MTMC Operations Directorate did not offset detention charges that motor carriers incurred in Puerto Rico. As a result, during FY 2001 the MTMC Operations Directorate paid about \$62,929 in detention charges to ocean carriers* for containers that were not returned within the allotted time and not offset against future motor carrier billings. If the MTMC Operations Directorate takes action to retroactively recover FY 2001 detention charges and offset future motor carrier detention charges, DoD could put about \$463,157 in detention charges to better use over the next 6 years. See Appendix A for details on our review of management controls.

Management Comments and Audit Response. MTMC concurred with the finding and recommendations. The MTMC comments were responsive, and the actions meet the intent of our recommendations and should provide funds that can be put to better use. MTMC, however, disagreed with our assessment of the potential monetary benefits. We recognize that future savings are difficult to estimate, therefore, as part of the followup process, we request that MTMC track and report actual detention offsets from FY 2001 through FY 2007. See the Finding section of this report for additional discussion of management comments, and the Management Comments section for the complete text of the comments.

*Carriers are any individual, freight forwarder, corporation, or public utility engaged in the business of transporting goods by air, rail, road, sea, or a combination of such modes.

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Background

This audit discusses the Military Traffic Management Command (MTMC) Operations Directorate (formerly the MTMC-Deployment Support Command) handling of detention charges motor carriers¹ incurred in Puerto Rico. If containers are not returned to the owner within an allotted time, detention charges are incurred.

Containers. Containers have been the predominant mode for international surface shipments since the early 1960s. DoD has been a leader in the use of containers for moving international freight in support of U.S. forces. DoD policy directs that U.S. forces rely on container resources and services furnished by the commercial transportation industry, insofar as such support is responsive to military requirements and is cost effective in the overall transportation system. When available, feasible, economical, and operationally acceptable, containers are the preferred DoD mode of transportation. The primary objective for using containers is to provide a full container load for each single consignee² or for multiple consignees located on the same base. A container that is shipped directly to a consignee not only minimizes loss, damage, and pilferage to the cargo and reduces in-transit times, but improves the visibility and accountability of cargo in the Defense Transportation System.

The DoD Intermodal Container System includes DoD-owned, DoD-leased, and DoD-controlled 20-foot or 40-foot intermodal containers. The system also includes supporting equipment such as generator sets and chassis, container handling equipment, information systems, and other infrastructure that supports DoD transportation and logistics operations, including commercially provided transportation services.

MTMC Responsibilities. On a worldwide basis, MTMC provides intermodal equipment traffic management services to Defense Transportation System customers. MTMC is also the single DoD agent for leasing commercial intermodal surface containers that support DoD. MTMC is responsible for contracting carrier services for delivery of surface container and breakbulk cargo from U.S. ports of origin to ports of destination. The MTMC Operations Directorate, located at Fort Eustis, Virginia, manages the movement of DoD cargo and the operation of ports located in the United States and Latin America. In support of the management function, the MTMC Operations Directorate pays ocean carriers for container detention charges that are incurred on behalf of consignees and motor carriers. The 832nd Transportation Battalion is the port manager for DoD-owned and DoD-leased containers that arrive in Puerto Rico. The 832nd Transportation Battalion coordinates receipt and staging of DoD cargo that arrives by surface transportation at the ocean terminal and releases

¹For purposes of this report, carriers are any individual, freight forwarder, corporation, or public utility engaged in the business of transporting goods by air, rail, road, sea, or a combination of such modes.

²A consignee is the receiving activity for a designated shipment.

containers for delivery to consignees. The DoD containers usually arrive in Puerto Rico through the Port of San Juan and are staged at the container yard of a respective ocean carrier.

Regional Domestic Contract. The majority of containerized military cargo shipped to Puerto Rico moves under the provisions of a MTMC Regional Domestic Contract. The contract establishes rates, terms, and conditions for services that are provided for intermodal movements and other special contract provisions such as allowable time for the use of carrier equipment (such as container or chassis) and detention rates charged if allowable time is exceeded.

Detention Charges. Detention charges are paid to an ocean carrier when a carrier's container is returned on a date that is beyond the allowable time. The Regional Domestic Contract establishes the allowable time for each container as 10 calendar days for dry cargo and 5 calendar days for refrigerated cargo. Allowable time begins after the container is discharged from the vessel, is cleared by applicable agencies of the local government, and is ready for delivery to the consignee. Allowable time ceases when the container is returned to the ocean carrier. When return of a container to the ocean carrier is delayed by the Government or a motor carrier beyond the allowable time, the ocean carrier may assess detention charges.

Puerto Rico Motor Contract. MTMC has a motor freight transportation service contract for delivery of DoD cargo in Puerto Rico with four motor carriers. At the ocean terminal, the 832nd Transportation Battalion coordinates cargo delivery with motor carriers. The motor carriers arrive at the ocean terminal for the onloading and delivery of containers to consignees as designated in the DD Form 1384-2, "Transportation Control Movement Document."

Objectives

The overall audit objective was to evaluate whether DoD effectively and efficiently managed the intermodal container system. In May 2001, however, MTMC made the decision to contract its container management and leasing operations to the commercial transportation industry. Therefore, we limited the scope of the audit to assessing the offsetting of detention charges paid to ocean carriers that motor carriers incurred in Puerto Rico. We reviewed management controls related to that objective. See Appendix A for a discussion of the audit scope and methodology, review of the management control program, and prior coverage.

Offsetting Motor Carrier Detention Charges

The MTMC Operations Directorate did not offset detention charges that motor carriers incurred in Puerto Rico. That condition occurred because the MTMC Operations Directorate did not have procedures that would ensure motor carrier detention charges DoD paid to ocean carriers were offset against future billings owed to the motor carriers. As a result, during FY 2001 the MTMC Operations Directorate paid about \$62,929 in detention charges for containers that were not returned within the allotted time and not offset against future motor carrier billings. If the MTMC Operations Directorate takes action to retroactively recover FY 2001 detention charges and offset future motor carrier detention charges, DoD could put about \$463,157 in detention charges to better use over the next 6 years.

Requirements

Processing Detention Charges and Motor Carrier Billings. Ocean carriers submit invoices containing detention charges to the 832nd Transportation Battalion. Contracting and traffic management officials at the 832nd Transportation Battalion process the invoices, which include an allocation of detention charges by consignee and motor carrier. When complete, the invoices, along with a memorandum that specifies detention days and charges and applicable motor carriers, are certified and forwarded to the MTMC Operations Directorate for payment. Based on the documentation, the MTMC Operations Directorate pays the ocean carrier. Billings from motor carriers are submitted to the 832nd Transportation Battalion. Traffic management officials of the 832nd Transportation Battalion process and forward the billings to the MTMC Operations Directorate for payment. The MTMC Operations Directorate then pays the motor carriers.

Contract Requirements. According to the motor freight transportation service contract, the Government has the right to offset ocean carrier detention charges against funds that the Government owes to the motor freight transportation carrier. The contract states:

In the event that the Government incurs detention charges under its contract with an ocean carrier for the ocean transportation of cargo to and from Puerto Rico as a result of non-performance or breach of the required delivery time by the Contractor under this contract, the Contractor shall be liable to the Government for the actual detention charges assessed by the ocean carrier which are directly attributable to the Contractor. The Government shall have the right to offset these detention monies owed by the Contractor to the Government against freight monies owed to the Contractor by the Government under one Transportation Control Movement Document or any other Transportation Control Movement Document order of services under this or any other Government contract.

Detention Charges

Motor Carrier Detention Charges. The MTMC Operations Directorate did not offset detention charges that motor carriers incurred in Puerto Rico. The motor carriers were contracted to deliver containerized DoD cargo from the ocean carrier's terminal to the consignee as well as return the empty containers to the ocean carrier's terminal. When a motor carrier notifies the 832nd Transportation Battalion that it accepts an order to pickup and deliver a container, the motor carrier must proceed within 8 working hours for pickup and delivery. The motor carrier must make final delivery of the container before the close of business at the receiving activity or the receiving ocean carrier's port terminal. However, the motor carrier did not always deliver the container to the consignee or return the container to the ocean carrier's terminal within the allotted time. For containers not returned within the allotted time, the ocean carriers submitted their billings, including detention charges, to the 832nd Transportation Battalion. After Battalion certification, the MTMC Operations Directorate paid the ocean carriers. The MTMC Operations Directorate did not offset those detention charges against motor carrier future billings.

We reviewed all of the 192 detention charge invoices, which included 319 detention charges, that the MTMC Operations Directorate paid during FY 2001 on behalf of motor carriers to ocean carriers. We also reviewed memorandums associated with allocation of charges that the 832nd Transportation Battalion prepared during FY 2001. The documentation showed that the 832nd Transportation Battalion accumulated about \$62,929 in detention charges attributed to the four motor carriers contracted to deliver containerized DoD cargo in Puerto Rico. The documentation also showed that the motor carriers held the containers an average of about 6 days per charge beyond the allotted time. Of the 319 detention charges, 244 (77 percent) were for containers in which the deliveries were 1 to 5 days beyond the allotted time.

Procedures to Offset Detention Charges

The MTMC Operations Directorate did not have procedures that ensured motor carrier detention charges DoD paid to ocean carriers were offset against future billings owed to the motor carriers. According to MTMC Operations Directorate personnel, they were not aware that the motor carrier detention charges were not being offset against debts owed to the motor carriers. The MTMC Operations Directorate personnel relied on the 832nd Transportation Battalion to perform the procedure. Officials at the 832nd Transportation Battalion stated that they thought the MTMC Operations Directorate was offsetting the detention charges against motor carriers. Procedures are needed that ensures coordination for offsetting motor carriers detention charges paid to ocean carriers takes place between the 832nd Transportation Battalion and the MTMC Operations Directorate.

Impact of Detention Charges

As a result of the MTMC Operations Directorate not offsetting detention charges that motor carriers incurred, DoD paid ocean carriers during FY 2001 about \$62,929 that was not recovered for containers not returned within the allotted time. We believe that if the MTMC Operations Directorate takes action to retroactively recover the detention charges incurred for FY 2001 and FY 2002 and offset future motor carrier detention charges, DoD could put about \$463,157 to better use over the next 6 years.

We calculated the \$463,157 using inflation indexes in the National Defense Budget Estimates for FY 2001 through FY 2007. The table below shows the estimated savings to DoD if the MTMC Operations Directorate were to offset detention charges paid to ocean carriers incurred by motor carriers.

Funds Put to Better Use From Offsetting Detention Charges Against Motor Carrier Billings (FY 2001 through FY 2007)			
<u>Fiscal Year</u>	<u>Inflation Index</u>	<u>FY 2001 Detention Charges</u>	<u>Funds Put To Better Use</u>
2001	1.00	\$62,929	\$ 62,929
2002	1.01	62,929	63,558
2003	1.03	62,929	64,817
2004	1.05	62,929	66,075
2005	1.07	62,929	67,334
2006	1.09	62,929	68,593
2007	1.11	62,929	69,851
Total			\$463,157

Recommendations, Management Comments, and Audit Response

We recommend that the Commander, Military Traffic Management Command:

1. Establish procedures that ensure motor carrier detention charges DoD paid to the ocean carriers are offset against future billings owed to the motor carriers.
2. Require the Military Traffic Management Command Operations Directorate and the 832nd Transportation Battalion to retroactively offset the FY 2001 and FY 2002 detention charges that were paid to ocean carriers against future billings owed to motor carriers.

Management Comments. MTMC concurred with Recommendations 1. and 2., stating further work that validates both an exact amount and assignment of the detention charges is needed. MTMC also stated that recovery of detention charges from the responsible motor carriers is needed. That process would include ensuring procedures for offsetting any additional motor carrier detention charges are in place. MTMC disagreed with our potential monetary savings, stating that the Command was aware of problems with motor carrier-related detention charges in Puerto Rico prior to our audit work. MTMC further stated that a new motor carrier contract effective April 2001, designed to improve delivery and pickup services had been put in place. The new contract would thereby eliminate detention charges and the need to take offset actions. Because the contract terminates March 31, 2004, the auditor's projected savings should end at this date.

Audit Response. MTMC comments were responsive to the intent of the recommendations. We agree with the MTMC action to improve delivery and pickup services through a new motor carrier contract. We believe the action will reduce detention charges but do not agree they will be eliminated. The MTMC agreement to establish procedures that ensure motor carrier detention charges paid to ocean carriers are offset against future billings owed to the motor carriers, should provide funds in current and future years that can be put to better use. We recognize that future savings are difficult to estimate, therefore, as part of the followup process, we request that MTMC track and report actual detention offsets from FY 2001 through FY 2007.

Appendix A. Audit Process

Scope and Methodology

Work Performed. The initial scope included a review of MTMC container management operations. However, as a result of the MTMC decision to contract its container management and leasing operations to the commercial transportation industry, we limited the scope of our audit to assessing the offsetting of detention charges paid to ocean carriers that were incurred by motor carriers in Puerto Rico. We reviewed the DoD and MTMC regulations concerning policies, responsibilities, and procedures for container management operations. For FY 2001, we reviewed 192 detention charge invoices that contained 319 detention charges attributable to motor carriers that the ocean carriers submitted as well as related certification the 832nd Transportation Battalion prepared. We performed audit work at MTMC and the MTMC Operations Directorate. We reviewed contracts for delivery of cargo to the port of debarkation in Puerto Rico and from the port of debarkation to consignees.

High-Risk Area. The General Accounting Office has identified several high-risk areas in DoD. This report provides coverage of the Defense Financial Management high-risk area.

Use of Computer-Processed Data. We relied on computer-processed data from the MTMC PAYS system to identify the detention charges paid to ocean carriers. We assessed reliability of the data by matching the data to the supporting documentation and found them to be adequate. As a result, the computer-processed data were determined to be reliable.

Audit Dates, and Standards. We performed this audit from May 2001 through February 2002 in accordance with generally accepted government auditing standards.

Contacts During the Audit. We visited or contacted individuals and organizations within DoD. Further details are available on request.

Management Control Program Review

DoD Directive 5010.38, "Management Control Program," August 26, 1996, and DoD Instruction 5010.40, "Management Control Program Procedures," August 28, 1996, require DoD organizations to implement a comprehensive system of management controls that provides reasonable assurance that programs are operating as intended and to evaluate the adequacy of the controls.

Scope of the Review of Management Controls. We reviewed the adequacy of management controls for offsetting detention charges against motor carriers.

Adequacy of Management Controls. We identified a material management control weakness of MTMC not offsetting detention charges incurred by motor carriers as defined by DoD Instruction 5010.40. The MTMC management controls for not offsetting detention charges paid to ocean carriers incurred by motor carriers were not adequate because the MTMC Operations Directorate did not have procedures in place to coordinate the offsetting detention charges with the 832nd Transportation Battalion. The recommendation, if implemented, will correct that material weakness. Also, if management implements the recommendation, the DoD could put recouped detention charges to better use over the next 6 years. A copy of the report will be provided to senior officials responsible for management controls within the Army.

Prior Coverage

During the last 5 years, the Inspector General of the Department of Defense has issued four reports that discuss delivery of cargo and intermodal shipping containers. Unrestricted Inspector General of the Department of Defense reports can be accessed over the Internet at <http://www.dodig.osd.mil/audits/reports>.

Inspector General of the Department of Defense (IG DoD)

IG DoD Report No. D-2002-079, "Delivery and Receipt of DoD Cargo Inbound to the Republic of Korea," April 5, 2002

IG DoD Report No. D-2002-004, "Import Processing of DoD Cargo Arriving in the Republic of Korea," October 4, 2001

IG DoD, Report No. D-2001-149, "Coordinating and Tracking of Commercial Containers in Korea," June 22, 2001

IG DoD, Report No. 99-195, "Contract Actions for Leased Equipment," June 30, 1999

Appendix B. Report Distribution

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Military Traffic Management Command Comments



DEPARTMENT OF THE ARMY
HEADQUARTERS, MILITARY TRAFFIC MANAGEMENT COMMAND
200 STOVALL STREET HOFFMAN BUILDING II
ALEXANDRIA VA 22332-5000



MTIR

09 MAY 2002

MEMORANDUM FOR DIRECTOR, READINESS and LOGISTICS SUPPORT
DIRECTORATE (DODIG/MR. YOUNG), 400 ARMY NAVY DRIVE, ARLINGTON,
VA 22202-4704

SUBJECT: Audit Report on Military Traffic Management Command Handling of Container
Detention Charges (Project No. D20001LH-0059)

1. This memorandum contains the Military Traffic Management Command (MTMC) response to your 27 Mar 02 draft report on motor carrier detention incurred at the Command's 832nd Transportation Battalion, Puerto Rico.
2. MTMC concurs with the finding that detention charges caused by motor carriers in Puerto Rico were not offset against payments made to them for container deliveries/pick ups made during FY 01 and FY 02. While it is not disputed that detention exists, the exact amount and assignment of the detention needs to be further validated and recovered from the responsible party. Although the invoices reviewed for the report assign charges to motor carriers, we believe that a portion of these charges should actually be charged to consignees receiving the containers, not motor carriers. Therefore, MTMC is currently reviewing all aspects of the detention charges incurred during the above time frame and will then assign charges to each motor carrier in accordance with disputes clauses of the Federal Acquisition Regulation. Our contracting office will then present each motor carrier with a demand letter for the amount owed the government. This process will include ensuring procedures are in place to offset any additional motor carrier detention. Estimated completion date is 30 Sept 02.
3. MTMC does not agree with the projected monetary benefits as presented in the report. The command was aware of problems with motor carrier related detention in Puerto Rico prior to the start of the audit work. A new motor carrier contract effective April 2001 assigned specific motor carriers to specific consignees. This was intended to improve delivery/pick up services and thereby virtually eliminate detention and the need to take offset actions. Our ocean carrier container contracts allow detention to be billed up to six months after the empty container is returned to the ocean carrier. Accordingly, improvements resulting from the new motor carrier contract will not be quantifiable until the end of this fiscal year. The new contract terms are one year with two one-year options. If all options are executed, the contract ends on 31 March 04. As a minimum, the auditor's projected savings should end at this date. The Command's position is that a one time savings will result from the collection of offsets that should be made for FY 01 and FY 02 detention charges that can be attributed to motor carrier performance. Actual savings will be identified during the evaluation process discussed above. With the improved procedures

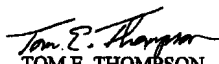
MTIR

SUBJECT: Audit Report on Military Traffic Management Command Handling of Container
Detention Charges (Project No. D20001LH-0059)

under the new contract, we expect detention charges will dramatically decline over time and not
recur as projected in the audit report.

4. For additional information, please contact Mr. Lawrence Powers at (703) 428-2142.

FOR THE COMMANDER:


TOM E. THOMPSON
COL, GS
Chief of Staff

Team Members

The Readiness and Logistics Support Directorate, Office of the Assistant Inspector General for Auditing of the Department of Defense prepared this report. Personnel of the Office of the Inspector General of the Department of Defense who contributed to this report are listed below.

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